



ANNUAL CAPACITY BUILDING
WORKSHOP 2023
FEBRUARY 23-25 · NAIROBI

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DEALING WITH COMPLAINTS



OBJECT OF COUNCILS

To secure in the public interest the highest standards in the training and practice of medicine and dentistry in Ghana.



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Standards

Training

MANDATE

Regulation

Registration



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DEALING WITH COMPLAINTS

- ❑ Administrative Process
- ❑ Preliminary Investigations Committee
- ❑ Disciplinary Committee
- ❑ Medical Practitioners Tribunal



COMPETENCIES OF THOSE APPOINTED TO DISCIPLINE COMMITTEES

- ❑ Two key issues;
 - ❑ **Capacity** to undertake the duty
 - ❑ **Confidence** that justice has been served to the parties and the public



❑ Criteria to note:

- ❑ Area of specialisation
- ❑ Years of experience in a particular discipline
- ❑ Dispute resolution skills
- ❑ Impartiality
- ❑ Confidentiality



❑ Criteria to note:

- ❑ Possess information analysis skills
- ❑ Be a professional who is in good standing with their relevant regulatory authority.
- ❑ Have someone who represents the general public (*gender sensitive*). This will inspire **public confidence** **and** **trust** that the disciplinary committee is not just a '*club of doctors out to protect their own*'.



CONDUCTING DISCIPLINARY HEARINGS, ASPECTS OF LAW TO BE CONSIDERED

❑ Principles of Natural Justice

❑ Two Rules

- ❑ Rule against bias (*nemo judex in causa sua*)
- ❑ Right to a fair hearing (*audi alteram partem* rule, good faith)

The laws and regulations in place in a particular jurisdiction will guide the procedure for undertaking the disciplinary inquiry and by extension, the disciplinary hearing.



IMPLICATION OF OUTCOMES OF DISCIPLINARY PROCESSES

❑ Positive implications:

- ❑ Provides justice for wrong-doing
- ❑ Clarifies professional issues
- ❑ Builds jurisprudence and precedence
- ❑ Deters unprofessional conduct and professional malpractice
- ❑ Guides the wider profession on do's and don't's within their practice.



IMPLICATION OF OUTCOMES OF DISCIPLINARY PROCESSES

❑ Negative implications:

- ❑ Encourages practice of defensive medicine which may lead to a low quality of care
- ❑ Disciplinary processes may not take into consideration the working environment of the practitioner



PROFESSIONAL INQUIRY FOR MINOR OFFENCES AND LEGAL INQUIRY FOR MAJOR OFFENCES

□ Minor Offences

- Professional/preliminary inquiries can be used to determine matters that are minor and that can be resolved without having to go to the technicalities of medical or dental practice.
- ADR mechanisms can also be deployed to handle minor offences that do not encompass the technical aspects of medical or dental practice.



❑ Major Offences

- ❑ For matters that entail the professional technicalities and standard of care or conduct that was expected, the legal inquiry process may be used.



OTHER CONSIDERATIONS

- ❑ Decisions may be **challenged or appealed** at the Courts
- ❑ Some complaints may also lead to the **use of the criminal justice system**. These two considerations will require repeated attendance either as defendant or witness.
- ❑ ??????



DEDICATED WELL TRAINED UNITS THAT ARE STAND ALONE

- ❑ Given the continued nature of the functions of a **Disciplinary Committee**, there is need to consider having well-trained, stand-alone department/unit that inquires into and gives determination on matters that touch on standards of practice and conduct of registered practitioners.
- ❑ The benefits of this proposal include
 - ❑ **assuring consistency** in the decisions given by the **Disciplinary Committee**
 - ❑ **building in-house** capacity so that the regulatory body does not depend on rotating experts to inquire into particular matters of professional standards and conduct.



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